

## STATEMENT OF REASONS

### WYOMING GAME AND FISH COMMISSION

#### CHAPTER 53

#### LANDOWNER FISHING LAKES OR PONDS

W.S. §23-2-208 provides the Commission with authority to designate privately owned waters as landowner fishing lakes or ponds, to exempt specific individuals from need a fishing license and to oversee the stocking of these waters. W.S. §23-4-101 empowers the Commission to regulate fish stocking in the waters of Wyoming.

Recent changes to Commission regulations Chapter 49, Private Stocking of Cold Blooded Wildlife and Chapter 69, Importation and Possession of Live Cold Blooded Wildlife necessitated minor changes in this chapter.

Section 2 (a). Clarified qualifications to be consistent with statute. A water will not qualify for designation as a landowner fishing lake or pond if it has joint ownership. W.S. § 23-2-208 states that "...any individual who owns land wholly containing a lake, pond or ponds..." and that the "Individual landowner and the landowner's spouse, children and grandchildren may fish...without first obtaining a fishing license." This is inconsistent with landowner hunting licenses so it is important to specify that here.

Section 2 (b). Deleted the plural "individual" due to statutory language described above.

Section 2 (c). Removed reference to permit. This is addressed in new Section 4.

Section 3. Removed language referencing procedures for fish stocking from the application section since it is not related to the application process.

Section 4. Changed section title to broaden items addressed.

- Section 4 (a). Specified procedures for obtaining fish to stock in landowner lakes and ponds referencing recently revised regulation that governs stocking of cold blooded wildlife in private waters.
- Section 4 (b). Included language on those who can fish without a fishing license and made explicit reference to Chapter 46, Fishing Regulations for legal methods.
- Section 4 (c). Added language about the written statement that must accompany fish taken from a landowner fishing lake or pond. Used the same language as the language used for catchout ponds in the private hatchery regulation (Chapter 51) and fishing preserves (Chapter 50). All regulations allow take of fish without a fishing license and require a written statement to accompany fish transported from the fishing location.
- Section 4 (d). Added language to address expiration of landowner lake designation (5 years after designation) and state that it expires upon the sale or transfer of the property.
- Section 4 (e). Added to provide the Department with some recourse for failure to comply with the terms of this section. Designation of a landowner lake or pond does not involve

licensing, so there is no need to describe a license revocation process. The landowner lake and pond statute (W.S. 23-2-208) concludes with “The lake, pond or ponds shall be approved by the department pursuant to commission rule and regulation.”

Section 5. Added process for appealing a Department decision. The process is the same as the existing process described in Chapters 10 and 33 of Department regulations and the new Chapter 69. Rather than creating redundancy by repeating identical, new language in Chapters 49, 50, 53, and 51, the language in Chapters 49, 50 and 53 references the detailed process described in Chapter 51, Private Fish Hatcheries. The process is intended to provide a standard procedure for applicants to address grievances with Department decisions; prior to having such issues addressed via a contested case hearing in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.